

## PROPOSED ZONING AMENDMENTS 2016

After ~~Second~~First Hearing

1/19/2016

### TOWN OF BARRINGTON

Index / Title	ZO Article 18 Definitions
<b>Legend</b>	Deletions: Denoted by <del>Strikethrough</del> Insertions: Denoted by <i>Italics</i>
<b>Existing/Amended</b>	<u>Active and Substantial Development or Building</u> . Shall mean the expenditure of at least twenty-five percent (25%) of the infrastructure costs required for a development proposal, as indicated by a subdivision or site plan approval by the Planning Board, within <del>twelve (12)</del> <i>twenty four (24)</i> months of said approval, where the approved plans have been properly recorded at the Registry of Deeds. Infrastructure shall mean in this instance the construction of roads, storm drains, water sewer facilities, or parking lots. Compliance with this definition shall also necessitate that a bond or other security to cover the costs of said infrastructure requirements has been posted with the town prior to the beginning of construction, if required as a condition for subdivision or site plan approval.
<b>Purpose</b>	<i>To make consistent with RSA:674:39</i>
<b>New</b>	<u>Assisted Living Facility</u> <i>A facility with individual living units where medical and social support services are provided on the basis of an individualized plan of care and which provided other common support services (as defined in RSA 151:E2)</i>
<b>New</b>	<u>Congregate Care Facility</u> <i>means a residential facility for elderly persons containing individual, one (1) and two (2) bedroom units. Each unit may also have a kitchenette. The facility shall contain common dining facilities and amenities such as housekeeping, transportation and organized social and recreational activities, and may include medical services on site. The facility is intended for and solely occupied by persons sixty-two (62) years of age or older and thereby qualifies as "housing for older persons" under state law.</i>
<b>New</b>	<u>Elderly Assisted Care Home</u> <i>means a residential facility permanently housing up to (15) elderly residents with common dining facilities an Accessory Uses typically needed for elderly persons. The Planning Board may increase the number of residents through the granting of a conditional use permit.</i>
<b>Purpose</b>	To differentiate between specific types of elderly housing
<b>Legend</b>	Deletions: Denoted by <del>Strikethrough</del> Insertions: Denoted by <i>Italics</i>
<b>Existing/Amended</b>	<del>Nursing home- Facility</del> <i>A facility for the aged or chronically ill, providing bed care and inpatient services for persons requiring regular medical attention, but excluding a facility providing services for persons requiring regular medical</i>

	attention, but excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. An institution or facility, whether proprietary or non-proprietary, which is engaged in providing 24-hour care for residents needing skilled nursing care, medical monitoring, and related services; rehabilitation services for rehabilitation of injured chronically disabled or sick; medication administration or instruction and supervision; or on a regular basis, health related care services (above the level of room and board) which can be made available to them only through institutional facilities which provide 24-hour care. (RSA 151-E2V)
Purpose	To update the definition of Nursing Home to be consistent with state statute
Legend	Deletions: Denoted by <del>Strikethrough</del> Insertions: Denoted by <i>Italics</i>

Index / Title	Article 18 Definitions
New	<del><i>Kennel</i></del> means any building(s) or land operated as a business for the boarding, breeding, training, or selling of <del>five(5) or more dogs or cats, or other household pets.</del>
Purpose	To define a commercial kennel <i>Approved after 2<sup>nd</sup> Public hearing</i>
New	<del><i>Kennel, Private</i></del> The keeping, breeding, raising, showing or training of four or more dogs over six months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.
Purpose	<del>To differentiate between a commercial kennel and private kennel.</del> <i>Removed after first hearing</i>
Legend	Deletions: Denoted by <del>Strikethrough</del> Insertions: Denoted by <i>Italics</i> Comment on further changes by [brackets text in italics]
Existing/ Amended	<b>Structure</b> (3/8/2010) Anything constructed, installed, placed or erected, whether above or below grade. Unless otherwise stated in this Ordinance, the following structures are exempt from the building permit requirements set forth in Section 15.4.1 and shall not be construed as structures for purposes of setback requirements, but shall be so construed for all other purposes. Sheds may require an Administrative Zoning Permit, see Article 9.4.5. (a) Signs (b) Stonewalls, (c) Septic systems, (d) Driveways, sidewalks, parking lots, (e) Home propane and heating oil tanks, (f) One story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, providing the floor area does not exceed 200 square feet, (g) Retaining walls that are not over four feet in height measured from the <del>bottom</del> top of the footing to the

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top of the wall, unless supporting a surcharge, ~~the differential in grade shall be no more than 4'~~ *four feet* **Formatted: Strikethrough**

(h) Water tanks supported directly upon grade if the capacity does not exceed 5000 gallons and the ratio of height to diameter or width does not exceed 2 to 1,

(i) Prefabricated swimming pools that are less and 24 inches deep

(j) Swings and other playground equipment,

(k) Window awnings supported by an exterior wall that does not project more than 54 inches from the exterior wall,

(l) Heating or cooling equipment, ~~and~~

(n) Cisterns,

(o) Wells, provided they meet NHDES requirements, *including ancillary equipment*

(p) Drainage facilities, ~~and~~

(q) Such structures as are authoritatively deemed required for the Safety of the community and its citizens ~~and-~~ **Formatted: Strikethrough**

*(r) Utility service lines.* **Formatted: Font: Italic**

**Purpose** To revise ordinance to be consistent with current practice.  
*Approved after 2<sup>nd</sup> Public hearing* **Formatted: Font: Italic**

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**Index / Title** Article 19.....APPENDIX Table 1: TABLE OF USES

TABLE 1: TABLE OF USES (Sheet 1 of 4)						
	General Residential (GR)	Neighborhood Residential (NR)	Village (V)	Town Center (TC)	Regional Commercial (RC)	Highway Commercial District Overlay (HCO)
<b>USE COMMERCIAL</b>						
Assisted Living Facility	CP(15)	CP(15)	P(15)	P(15)	P(15)	CP(15)
Business & Professional park	CP	CP	CP	CP	CP	CP
Distillery/Brewery with Retail	-	-	P	P	P	CP
Elderly Assisted Care Home	CP(3)(15)	CP(3)(15)	CP(3)(15)	CP(3)(15)	-	CP(3)(15)
Kennel	-	-	-	CP	P	CP
<del>Kennel Private</del>	<del>CP</del>	<del>CP</del>	<del>CP</del>	<del>CP</del>	<del>P</del>	<del>CP</del> <b>Formatted: Strikethrough</b>
Nursing Home Facility	CP(3)	CP(3)(15)	P(3)(15)	P(3)(15)	P(3)(15)	CP(3)(15)
Distillery without Retail	(-)	(-)	(-)	(-)	P	P

**Purpose** To add to the Table of Uses Article 19, newly identified uses in Article 18 Definitions

**Footnotes to Table 1** (Meaning of numbers given in parentheses in the table.) Page 4 of 4

(3)	Such facilities may have no more than fifteen (15) patient/client beds
(11)	For the sale of agricultural products, or any other goods, which are produced substantially as a home occupation or from agricultural activities on the premises, other than forestry related activities, as an accessory use to a principal residential use; <i>one structure of 200 sq. ft. or less may be utilized without site review, after review by the Zoning Administrator for compliance with section 7.3 of this ordinance and consultation with appropriate department heads for review of access and safety concerns.</i>
(15)	Maximum density <i>per NHDES Subsurface Disposal Regulations or no more than <del>of</del> one bedroom per ten thousand (10,000) square feet of upland soil <del>land</del> and the most restrictive shall apply.</i>

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Index 3.3.4(1)(c)	
Amended	<i>Legally Existing residential uses may be combined as part of a mixed use development</i>
Purpose	To bring consistent with existing approvals
Index 3.3.5(3)(c)	
Amended	<i>Legally Existing residential uses may be combined as part of a mixed use development</i>
Purpose	To bring consistent with existing approvals
Index 3.3.6(1)(c)	
Amended	<i>Legally Existing residential uses may be combined as part of a mixed use development</i>
Purpose	To bring consistent with existing approvals

ZO 1.5 SD 1.5.3 SR 11	<p><b>Edit Note:</b> [This is a memo note for the Board to recollect that SD 1.5.3 and SR 11 remain to be addressed. The ZO 1.5 (as below) was amended as given below.] This “clause” appears as “Savings” in SD and as “Seperability” in SR. We should adopt a single header and wording for the clause in ZO, SD and SR. I suggest we use the heading and text of the Ordinance as presently given and shown below. [See Warrant Article 4 of the 2012 annual report. Changed in the Ordinance was made – not made to SD – SR]</p> <p>Severability: In the event that any of the terms or provisions of this Ordinance are declared invalid or unenforceable by any Court of competent jurisdiction or any Federal or State Government Agency having jurisdiction over the subject matter of this Ordinance, the remaining terms and provisions that are not affected thereby shall remain in full force and effect.</p>																																		
ZO 1.7	<p><b>Edit Note:</b> Delete current text presentation and substitute a table presentation.</p> <p><b>History:</b> A Zoning Ordinance was adopted September 12, 1972, and subsequently amended March 8, 1977, March 11, 1980, December 8, 1981, March 9, 1982, March 9, 1983, March 13, 1984, March 12, 1986, March 10, 1987, July 28, 1988, March 15, 1989, March 14, 1990, March 12, 1991, and March 11, 1997.</p> <p>The Zoning Ordinance adopted September 12, 1972 and as amended through March 11, 1997 was repealed with the adoption of the Zoning Ordinance, March 8, 2005.</p> <p>The Zoning Ordinance of March 8, 2005, the current Ordinance, has been amended March 11, 2008, March 9, 2010, and March 8, 2011.</p> <table><tr><td>Adopted:</td><td colspan="3">September, 12, 1972</td></tr><tr><td rowspan="5">Dates of Amendment</td><td>March 8, 1977</td><td>March 11, 1980</td><td>December 8, 1981</td></tr><tr><td>March 9, 1982</td><td>March 9, 1983</td><td>March 13, 1984</td></tr><tr><td>March 12, 1986</td><td>March 10, 1987</td><td>July 28, 1988</td></tr><tr><td>March 15, 1989</td><td>March 14, 1990</td><td>March 12, 1991</td></tr><tr><td>March 11, 1997</td><td></td><td></td></tr><tr><td colspan="4">The Zoning Ordinance adopted September 12, 1972 and as amended through March 11, 1997 was repealed and replaced with the Zoning Ordinance of March 8, 2005.</td></tr><tr><td rowspan="3">Dates of Amendment</td><td>March 11, 2008</td><td>March 9, 2010</td><td>March 9, 2011</td></tr><tr><td>March 13, 2012</td><td>March 12, 2013</td><td>March 11, 2014</td></tr><tr><td>March 10, 2015</td><td></td><td></td></tr></table>	Adopted:	September, 12, 1972			Dates of Amendment	March 8, 1977	March 11, 1980	December 8, 1981	March 9, 1982	March 9, 1983	March 13, 1984	March 12, 1986	March 10, 1987	July 28, 1988	March 15, 1989	March 14, 1990	March 12, 1991	March 11, 1997			The Zoning Ordinance adopted September 12, 1972 and as amended through March 11, 1997 was repealed and replaced with the Zoning Ordinance of March 8, 2005.				Dates of Amendment	March 11, 2008	March 9, 2010	March 9, 2011	March 13, 2012	March 12, 2013	March 11, 2014	March 10, 2015		
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Not included item was not posted.																																			
ZO 1.8	<p><b>Edit Note:</b> Insert “Current” before the word Vision” in sentence 1 and Delete “on March 11, 2004” in that sentence. Insert “Current” before the word “Capital” in the last sentence and delete “in June 2007” in the same sentence. By using the general wording “current” Master Plan and CIP we remove the need to edit the wording whenever a new or revised MP or CIP is adopted. This is a timely amendment since we will be revising and re-dating the MP in phases over the coming years. Also, we hope to have a more active updating and re-dating of the CIP in the coming period</p> <p><b>Consistency with the Master Plan and Capital Improvement Plan</b> This Ordinance is intended to implement, to the fullest extent possible, the <b>current</b></p>																																		

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		<p>Vision, Strategic Objectives, and Implementation Strategy of the Strategic Master Plan Update, Barrington, New Hampshire, which was adopted by the Barrington Planning Board on <del>March 11, 2004</del>, along with all of the supplemental planning studies that were adopted by reference. This document is hereafter referred to as the "Master Plan." This Ordinance is also intended to support the implementation of the <b>current</b> Capital Improvement Plan (CIP), adopted by the Planning Board in <del>June 2007, as amended</del></p>
		<p>Edit Note: Move the sentence "The designations for the zoning districts are as follows:" from its current placement and append it to the first paragraph. Delete "the provision of" a series of Insert an Index reference for each Zone as indicated</p> <p><b>Establishment of Zoning Districts</b> For the purposes of this Ordinance the Town of Barrington is divided into five (5) base zoning districts. Each zoning district is identified on the Official Zoning Map. All of the area within the municipal boundaries is located in one of these five base districts. <b>The designations for the zoning districts are as follows:</b></p> <p><del>The designations for the zoning districts are as follows:</del>  <b>ZO 2.1(1)</b> General Residential (GR)  <b>ZO 2.1(2)</b> Neighborhood Residential (NR)  <b>ZO 2.1(3)</b> Village (V)  <b>ZO 2.1(4)</b> Regional Commercial (RC)  <b>ZO 2.1(5)</b> Town Center (TC) (added March 2008)</p> <p>In addition to these base districts, this Ordinance also establishes <del>the provisions of a series of</del> overlay zoning districts that function in concert with the base districts. These overlay zoning districts are intended to regulate the use of specific environmental features or other characteristics or uses. Where an overlay zoning district coincides with all or any part of a base zoning district, the regulations for the base zoning district and the overlay zoning district shall be applied to the coincident area.</p> <p> <b>ZO 2.1(6)</b> Wetlands Protection District Overlay (WDO)  <b>ZO 2.1(7)</b> Shoreland Protection District Overlay (SDO)  <b>ZO 2.1(8)</b> Floodplain Management District Overlay (FDO)  <b>ZO 2.1(9)</b> Groundwater Protection District Overlay (GDO)  <b>ZO 2.1(9)(a)</b> Stratified Drift Aquifer Overlay (SDAO)  <b>ZO 2.1(9)(b)</b> Swains Lake – Water Management Zone Overlay (SL-WMZO)  <b>ZO 2.1(10)</b> Wireless Communications Facilities Overlay (WCO)  <b>ZO 2.1(11)</b> Highway Commercial District Overlay (HCO) </p>
	ZO 2.1	
		<p>Edit Note: Parse this provision into its separate elements. Retain as ZO 3.1 the first Sentence. Delete the remainder and insert the deleted wording as ZO 3.1(1).  <b>General Provisions:</b> Except as herein provided, no building or land shall be used or occupied except for the purposes permitted in the district as described in this Article.—A</p>
	ZO 3.1	

	<del>permit for the construction, installation, development, alteration, enlargement, moving, demolition, or use of a building or structure shall not be issued by the Building Inspector, or other town official, unless it complies with the provisions of this Article and/or has been granted a variance or special exception by the Zoning Board of Adjustment.</del>
New Index ZO 3.1(1)	<b>A permit for the construction, installation, development, alteration, enlargement, moving, demolition, or use of a building or structure shall not be issued by the Building Inspector, or other town official, unless it complies with the provisions of this Article and/or has been granted a variance or special exception by the Zoning Board of Adjustment.</b>
ZO 3.1.8(3)	<p>Edit Note: Strike <del>such</del> and insert "a" after "Where."</p> <p>Signs as Abandoned Property - Where <del>such</del> a sign is removed, it shall be deemed to be abandoned and may be disposed of by the town as abandoned property</p>
ZO 3.2	<p><b>Edit note: Delete "in accordance"...etc</b></p> <p>Use Regulations: The following Paragraphs (1) through (3) refer to Table 1, the Table of Uses, which is located in the Appendix of this Ordinance. Only uses listed in this Table shall be permitted in any zoning district. <del>in accordance with the following provisions:</del></p>
ZO 3.2.1 ZO 3.2(1)	<p>Edit note: Change Index from 3.2.1 to 3.2(1). Substitute bolded text below for existing text</p> <p><del>A use listed in the Table of Uses is permitted by a matter of right in the district, which is denoted by the letter "P", subject to all other applicable local, state and federal regulations. If the letter "P" is accompanied by a number in parenthesis it indicates that the use is permitted only when in compliance with the conditions imposed as specified in the appropriate footnote, and subject to all other applicable local, state and federal regulations.</del></p> <p><b>A use permitted as a matter of right is denoted by the letter "P" in ZO Table 1 – Table of uses. A use permitted by right is subject to all other applicable local, State and Federal regulations.</b></p>
ZO 3.2.2 ZO 3.2(2)	<p>Edit note: Change index from 3.2.2 to 3.2(2), Capitalize State &amp; Federal, Strike the second sentence ("If" through "footnote") to reduce duplication of instructions – See inserted ZO 3.2(4)</p> <p>Uses Permitted by Conditional Approval of Planning Board: A use listed in the Table of Uses and denoted by the letters "CP" may be permitted if the Planning Board determines that the requested use can be established in compliance with the provisions of Section 3.4 as well as all other applicable provisions of this Ordinance, and subject to all other applicable local, State and Federal regulations. <del>If the letters "CP" are accompanied by a number in parenthesis it indicates that the use is permitted only when in compliance with the conditions imposed as specified in the appropriate footnote.</del></p>
ZO 3.2.3 ZO 3.2(3)	<p>Edit note: Change index from 3.2.3 to 3.2(3). (There is a question as to whether the word "specifically" is to limiting and thereby inviting a never ending list of specific uses.</p>

	Otherwise no text change. Also the same question arises in the wording of ZO 3.2 wherein we state "that only the uses listed in the ZO Table 1 are permitted."
	Prohibited Uses: Prohibited uses shall be denoted by a dash (-) in the Table of Uses. Unless a use is specifically permitted in a zoning district as indicated in the Table of Uses, it shall be prohibited.

New Index ZO 3.2(4)	<b>Edit note:</b> This replaces the duplicated wording used in previously existing subsections ZO 3.2.1 & 3.2.1.
	Uses with Specified Conditions: A use Permitted by Right ("P") or by Conditional Approval ("CP") may have specified conditions associated with that use. The existence of specified conditions is indicated by one or more numbers accompanying the letter "P" or letters "CP". The number(s) reflect the footnote reference(s) specifying the condition(s).

	Edit Notes: ZO 9.5.1(1 & 2) remain as given.
ZO 9.5.1	Exceptions for Construction in Wetland Buffers
ZO 9.5.1(1)	On all lots created after March 11, 1997 and before March 13, 2001, no structure shall be built or located closer than thirty-five (35) feet to a wetland area
ZO 9.5.1(2)	An existing building within a buffer area may be repaired and/or replaced provided that the new or repaired structure, including any impermeable surfaces, shall not extend further into the buffer area than the footprint of the original foundation.

ZO 9.5.1(3). <a href="#">Leave as is no revision</a>	<del>Edit Note: Paragraph (3) Delete wording beginning after "Environmental Services..." through "wetland crossings..." "retaining may be permitted." In Paragraph 4 insert "are permitted."</del>
	<del>Wetland crossings that would fall under the New Hampshire Department of Environmental Services Administrative Rule – 303.04, as amended, that expedites certain types of wetland crossings may be permitted.</del>
ZO 9.5.1(4)	Wells / Well Lines <b>are permitted</b> .

ZO 9.5.1(5) <a href="#">2<sup>nd</sup> Public hearing required</a>	Edit Note: Substitute "on" for "or", <del>delete "unimproved", delete wording at end of sentence. This Ordinance provision is given as ZO 9.5.1(6).</del>
	This ordinance shall not prohibit the construction of principal and accessory structures within the buffer zone <del>or</del> <b>on</b> unimproved lots that were approved for subdivision by the Planning Board or which otherwise legally existed on or before March 13, 2001.

[Approved after 2<sup>nd</sup> public hearing substituting](#)

<b>New Index ZO 9.5.1(6)</b>	<del><b>Edit Note: Insert new provision.</b></del>
	<del><b>This ordinance shall not prohibit the construction of principal and accessory structures on lots which otherwise legally existed on or before March 13, 2001</b></del>

[Removed after 2<sup>nd</sup> public hearing](#)

ZO 15.4.1	<b>Edit Note:</b> Inert "that is regulated by the building code" in the first sentence after "No building or structure..."
	<b>Building Permit Required:</b> No building or structure <b>that is regulated by the building code</b> shall be constructed, reconstructed, altered, or relocated; nor shall the use of any

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	building or structure be substantially changed; nor shall any excavation be commenced under the provisions of this Ordinance without a duly authorized building permit issued by the Building Inspector. Said permit shall be issued only if it is determined that the proposed construction is in compliance with all applicable town and state codes and regulations which have been adopted for the purpose of regulating such activities.
	<b>Purpose:</b>

### **Voter Petition Zoning Amendment**

An amendment to prevent contamination of Barrington's water supplies.

Are you in favor of an amendment to the Barrington Zoning Ordinance Article 12.4.2 Performance Standards within Stratified Drift Aquifer Area Boundaries to insert the following language:

Gasoline Service Stations shall be prohibited in or within 500 feet of a stratified drift aquifer area boundary.